

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 12-cr-40094-JPG
)	
MARTY C. STACY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Marty C. Stacy's *pro se* motion for judgment of acquittal (Doc. 104) and the Government's motion to strike Stacy's motion on the grounds that Stacy is represented by counsel and has no right to file *pro se* motions (Doc. 105).

Stacy filed his motion *pro se*, although he is represented by attorney Ronald E. Jenkins. A defendant does not have a right to file his own motions when he is represented by counsel. *See Hayes v. Hawes*, 921 F.2d 100, 102 (7th Cir. 1990) (*per curiam*). "Representation by counsel and self-representation are mutually exclusive." *Cain v. Peters*, 972 F.2d 748, 750 (7th Cir. 1992). So-called "hybrid representation" confuses and extends matters at trial and in other proceedings and, therefore, it is forbidden. *See United States v. Oreye*, 263 F.3d 669, 672-73 (7th Cir. 2001). The Court may strike as improper any such *pro se* motions. *See, e.g., United States v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998). Therefore, the Court hereby **GRANTS** the Government's motion to strike (Doc. 105) and **ORDERS** that Stacy's motion (Doc. 104) be **STRICKEN**.

This is not the first time Stacy has filed a *pro se* motion while he is represented by counsel (Docs. 65, 66, 68 & 69). The Court struck Stacy's prior *pro se* filings and explained to him he cannot file motions when he is represented by counsel (Doc. 67 & 71). The Court warned Stacy that if he continued to make further *pro se* filings while he is represented by counsel, the Court would instruct the Clerk of Court to refuse to accept them for filing. The Court hereby **DIRECTS** the Clerk

of Court to return to Stacy unfiled any *pro se* document tendered by Stacy while he is represented by counsel.

IT IS SO ORDERED

DATE: October 25, 2013

s/J. Phil Gilbert

J. Phil Gilbert, District Judge